



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2880

DATE SCANNED 6/9/2015

SCANNER NO. 2

SCAN OPERATOR EC



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

2014 DEC 16 AM 9:25  
FEDERAL ELECTION COMMISSION  
SECRETARIAT

December 15, 2014

MEMORANDUM

**SENSITIVE**

TO: The Commission

THROUGH: Alec Palmer *AP*  
Staff Director

FROM: Patricia C. Orrock *PCO*  
Chief Compliance Officer

Debbie Chacona *DC*  
Assistant Staff Director  
Reports Analysis Division

BY: *KDR* Kristin D. Roser/Sari Pickerall *SP*  
Reports Analysis Division  
Compliance Branch

SUBJECT: Reason To Believe Recommendation – 2014 12 Day Pre-General Report  
(Authorized Committees) for the Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to file or timely file the 2014 12 Day Pre-General Report in accordance with 52 U.S.C. § 30104(a) (formerly 2 U.S.C. 434(a)). The 12 Day Pre-General Report was due on October 23, 2014. The list is comprised of authorized committees whose candidates sought election in the General Election held on November 4, 2014.

The committees listed on the attached RTB Circulation Report either filed the election sensitive report after the due date, failed to file the report, or failed to file the report prior to four (4) days before the General Election (considered a non-filed report). In accordance with the schedule of civil money penalties at 11 CFR 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

An explanation of the civil money penalties calculation for two (2) committees that failed to file the report is outlined below:

The committee (AF 2876) represents a candidate that participated in the 2014 General Election. The committee was required to file a 2014 12 Day Pre-General Report (12G) covering October 1, 2014 through October 15, 2014 (15 days). In order to determine the civil money penalty for the 2014 12 Day Pre-General Report, an estimated level of activity was calculated using a per diem average by multiplying the previous activity reported for the 2013-2014 election cycle (\$113,575) by 9.49% (the number of days required in 12G (15) divided by the number of days included in the Committee's 2013-2014 election cycle reports (158)).

The committee (AF 2880) represents a candidate that participated in the 2014 General Election. The committee was required to file a 2014 12 Day Pre-General Report (12G) covering October 1, 2014 through October 15, 2014 (15 days). In order to determine the civil money penalty for the 2014 12 Day Pre-General Report, an estimated level of activity was calculated using a per diem average by multiplying the previous activity reported for the 2013-2014 election cycle (\$119,177) by 16.30% (the number of days required in 12G (15) divided by the number of days included in the Committee's 2013-2014 election cycle reports (92)).

#### **Recommendation**

1. Find reason to believe that the political committees and their treasurers listed on the RTB Circulation Report violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. 434(a)) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letters.

12/15/2014 4:49 PM

Federal Election Commission  
Reason to Believe Circulation Report  
2014 PRE-GENERAL Election Sensitive 10/23/2014 AUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2874	C00552091	COMMITTEE TO ELECT JOYCE DICKERSON FOR US SENATE	DICKERSON, JOYCE	JOYCE DICKERSON	\$129,357	0	12/4/2014	Not Filed	\$9,952	\$660
2875	C00554840	FRIENDS OF TATE MACQUEEN	MACQUEEN, TATE	LORI MURPHY	\$134,102	0	10/30/2014	7	\$7,501	\$180
2876	C00561100	JEFF JONES FOR SENATE	JONES, JEFFREY ALLAN	DANIEL J. JONES	\$113,575	0		Not Filed	\$10,778 (est)	\$1,090
2878	C00543538	RON LEACH FOR CONGRESS CAMPAIGN COMMITTEE	LEACH, RONALD ALLEN	THERESA DRAKE	\$225,451	0	12/3/2014	Not Filed	\$1,440	\$550
2879	C00556530	STEPHEN H SHOGAN FOR SENATE	SHOGAN, STEPHEN H	LISA CHAIKEN	\$403,101	0	10/30/2014	7	\$8,700	\$180
2880	C00566331	WADE FOR US SENATE 14	WADE, KEVIN L	JAMES PICCONI	\$119,177	0		Not Filed	\$19,425 (est)	\$1,090

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
)  
Reason To Believe Recommendation - 2014 )  
12 Day Pre-General Report (Authorized )  
Committees) for the Administrative Fine )  
Program: )  
COMMITTEE TO ELECT JOYCE ) AF# 2874  
DICKERSON FOR US SENATE, and )  
JOYCE DICKERSON as treasurer; )  
FRIENDS OF TATE MACQUEEN, and ) AF# 2875  
LORI MURPHY as treasurer; )  
JEFF JONES FOR SENATE, and DANIEL ) AF# 2876  
J JONES as treasurer; )

RON LEACH FOR CONGRESS ) AF# 2878  
CAMPAIGN COMMITTEE, and DRAKE, )  
THERESA MS as treasurer; )  
STEPHEN H SHOGAN FOR SENATE, ) AF# 2879  
and LISA CHAIKEN as treasurer; )  
WADE FOR US SENATE 14, and JAMES ) AF# 2880  
PICCONI as treasurer; )

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on December 17, 2014 the Commission took the following actions on the Reason To Believe Recommendation - 2014 12 Day Pre-General Report (Authorized Committees) for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated December 15, 2014, on the following committees:

AF#2874 Decided by a vote of 6-0 to: (1) find reason to believe that COMMITTEE TO ELECT JOYCE DICKERSON FOR US SENATE, and JOYCE DICKERSON as treasurer violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2875 Decided by a vote of 6-0 to: (1) find reason to believe that FRIENDS OF TATE MACQUEEN, and LORI MURPHY as treasurer violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2876 Decided by a vote of 6-0 to: (1) find reason to believe that JEFF JONES FOR SENATE, and DANIEL J JONES as treasurer violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2878 Decided by a vote of 6-0 to: (1) find reason to believe that RON LEACH FOR CONGRESS CAMPAIGN COMMITTEE, and DRAKE, THERESA MS as treasurer violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2879 Decided by a vote of 6-0 to: (1) find reason to believe that STEPHEN H SHOGAN FOR SENATE, and LISA CHAIKEN as treasurer violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2880 Decided by a vote of 6-0 to: (1) find reason to believe that WADE FOR US SENATE 14, and JAMES PICCONI as treasurer violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

Attest:

December 18, 2014  
Date

Shawn Woodhead Werth  
Shawn Woodhead Werth  
Secretary and Clerk of the Commission



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

December 18, 2014

James Picconi, in official capacity as Treasurer  
Wade for US Senate 14  
P.O. Box 333  
New Castle, DE 19720

C00566331  
AF#: 2880

Dear Mr. Picconi:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a 12 Day Pre-General Report of Receipts and Disbursements in a calendar year during which there is a regularly scheduled election for which the candidate is seeking election, or nomination for election. This report, covering the period October 1, 2014 through October 15, 2014, shall be filed no later than October 23, 2014. 52 U.S.C. § 30104(a) (formerly 2 U.S.C. 434(a)). Records at the Federal Election Commission ("FEC") indicate that this report was not filed prior to four (4) days before the General Election held on November 4, 2014. You should file the report if you have not already done so.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 52 U.S.C. § 30104(a) (formerly 2 U.S.C. 434(a)). 52 U.S.C. § 30109(a)(4) (formerly 2 U.S.C. 437g(a)(4)). On December 17, 2014, the FEC found that there is reason to believe ("RTB") that Wade for US Senate 14 and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. 434(a)) by failing to file timely this report on or before October 23, 2014. Based on the FEC's schedules of civil money penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$1,090. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.55. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 CFR § 111.34. Your payment of \$1,090 is due within forty (40) days of the finding, or by January 26, 2015, and is based on these factors:

Sensitivity of Report: Election Sensitive  
Level of Activity: \$19,425  
Number of Days Late: Not Filed  
Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

**1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty**



If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your committee's identification number, to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must be received within forty (40) days of the Commission's RTB finding, or January 26, 2015. 11 CFR § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 CFR § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 CFR § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 CFR § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 CFR § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. district court under 52 U.S.C. § 30109 (formerly 2 U.S.C. § 437g). 11 CFR § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

## **2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge**

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Wade for US Senate 14 and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate

UNCLASSIFIED

### 3. If You Choose to Pay the Civil Money Penalty

## **NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS**

If you make a payment in an amount less than the calculated civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assesses upon making a final determination.

If you make a payment in an amount less than the calculated civil money penalty as an offer to settle or compromise a debt owed to the Commission, the offer is herewith rejected despite any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order. Acceptance and deposit or cashing of such a restricted payment does not constitute acceptance of the settlement offer. Payments containing restrictive endorsements will be deposited and treated as a partial payment towards the civil money penalty that the Commission assesses upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth in Section 2. above.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 52 U.S.C. § 30109(a)(2) (formerly 2 U.S.C. § 437g(a)(2)). It will remain confidential in accordance with 52 U.S.C. § 30109(a)(4)(B) (formerly 2 U.S.C. § 437g(a)(4)(B)) and 30109(a)(12)(A) (formerly 437g(a)(12)(A)) until it is placed on the public record in accordance with 11 CFR § 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Sari Pickerall in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

Lee E. Good

**Lee E. Goodman**  
**Chairman**

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**ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at RTB is \$1,090 for the 2014 Pre-General Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission  
P.O. Box 979058  
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox  
FEC #979058  
1005 Convention Plaza  
Attn: Government Lockbox, SL-MO-C2GL  
St. Louis, MO 63101

The remittance and your payment are due by January 26, 2015. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

**PAYMENTS BY PERSONAL CHECK**

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

**PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT**  
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FOR: Wade for US Senate 14

FEC ID#: C00566331

AF#: 2880

PAYMENT DUE DATE: January 26, 2015

PAYMENT AMOUNT DUE: \$1,090



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

May 21, 2015 2015 MAY 21 P 4: 20

MEMORANDUM

**SENSITIVE**

TO: The Commission

THROUGH: Alec Palmer *EWH/pn*  
Staff Director

FROM: Patricia C. Orrock *PCO*  
Chief Compliance Officer

Debbie Chacona *DC*  
Assistant Staff Director  
Reports Analysis Division

BY: Kristin D. Roser/Sari Pickerall *KDR* *SP*  
Reports Analysis Division  
Compliance Branch

SUBJECT: Administrative Fine Program – Final Determination Recommendation for the  
2014 12 Day Pre-General Report (Authorized Committees)

Attached are two lists of political committees and their treasurers against which the Commission has found reason to believe (RTB) and assessed proposed civil money penalties calculated at RTB for failure to file or failure to timely file the 2014 12 Day Pre-General Report. The first list represents the committees that have paid the civil money penalty and the second list represents the committees that have not paid the civil money penalty. The committees that have not paid have been given at least forty (40) days from the date of the Commission's RTB finding to remit payment.

In accordance with 11 CFR § 111.34 and 11 CFR § 111.40, the Commission shall send a final determination notice to those respondents that have either paid or not paid the civil money penalty.

For your information, one (1) committee detailed below designated a new Treasurer after the RTB finding:

- Wade for US Senate 14 filed an Amended Statement of Organization after the RTB finding designating as Kevin Wade as Treasurer (see second list).

#### **RAD Recommendation**

- (1) Make a final determination that the political committees and their treasurers listed on the attached reports violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)) and assess the final civil money penalties so indicated.
- (2) Send the appropriate letters.

CONFIDENTIAL

5/21/2015 4:05 PM

Federal Election Commission  
FD Circulation Report Fine Paid  
2014 PRE-GENERAL Election Sensitive 10/23/2014 AUTH

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Final Money Penalty	Date Paid	Amount Paid
2875	FRIENDS OF TATE MACQUEEN	MACQUEEN, TATE	C00554840	LORI MURPHY	10/30/2014	7	\$7,501	0	12/17/2014	\$180	\$180	02/18/2015	\$180
2879	STEPHEN H SHOGAN FOR SENATE	SHOGAN, STEPHEN H	C00556530	LISA CHAIKEN	10/30/2014	7	\$8,700	0	12/17/2014	\$180	\$180	01/21/2015	\$180

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Federal Election Commission  
FD Circulation Report Fine Not Paid  
2014 PRE-GENERAL Election Sensitive 10/23/2014 AUTH

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Days Since RTB	FD Penalty
2874	COMMITTEE TO ELECT JOYCE DICKERSON FOR US SENATE	DICKERSON, JOYCE	C00552091	JOYCE DICKERSON	12/04/2014	Not Filed	\$9,952	0	12/17/2014	\$660	155	\$660
2878	RON LEACH FOR CONGRESS CAMPAIGN COMMITTEE	LEACH, RONALD ALLEN	C00543538	THERESA DRAKE	12/03/2014	Not Filed	\$1,440	0	12/17/2014	\$550	155	\$550
2880	WADE FOR US SENATE 14	WADE, KEVIN L	C00566331	KEVIN WADE	01/26/2015	Not Filed	\$26,097	0	12/17/2014	\$1,090	155	\$1,090

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
)  
Administrative Fines Program - Final )  
Determination Recommendation for the )  
2014 12 Day Pre-General Report )  
(Authorized Committees): )  
COMMITTEE TO ELECT JOYCE ) AF# 2874  
DICKERSON FOR US SENATE, and )  
JOYCE DICKERSON as treasurer; )  
FRIENDS OF TATE MACQUEEN, and ) AF# 2875  
LORI MURPHY as treasurer; )  
RON LEACH FOR CONGRESS ) AF# 2878  
CAMPAIGN COMMITTEE, and DRAKE, )  
THERESA MS as treasurer; )  
STEPHEN H SHOGAN FOR SENATE, ) AF# 2879  
and LISA CHAIKEN as treasurer; )  
WADE FOR US SENATE 14, and KEVIN ) AF# 2880  
WADE as treasurer; )

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on May 26, 2015 the Commission took the following actions on the Administrative Fines Program - Final Determination Recommendation for the 2014 12 Day Pre-General Report (Authorized Committees) as recommended in the Reports Analysis Division's Memorandum dated May 21, 2015, on the following committees:



AF#2874 Decided by a vote of 6-0 to: (1) make a final determination that COMMITTEE TO ELECT JOYCE DICKERSON FOR US SENATE, and JOYCE DICKERSON as treasurer, violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2875 Decided by a vote of 6-0 to: (1) make a final determination that FRIENDS OF TATE MACQUEEN, and LORI MURPHY as treasurer, violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2878 Decided by a vote of 6-0 to: (1) make a final determination that RON LEACH FOR CONGRESS CAMPAIGN COMMITTEE, and DRAKE, THERESA MS as treasurer, violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2879 Decided by a vote of 6-0 to: (1) make a final determination that STEPHEN H SHOGAN FOR SENATE, and LISA CHAIKEN as treasurer, violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2880 Decided by a vote of 6-0 to: (1) make a final determination that WADE FOR US SENATE 14, and KEVIN WADE as treasurer, violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

Attest:

May 27, 2015  
Date

Shawn Woodhead Werth  
Shawn Woodhead Werth  
Secretary and Clerk of the Commission



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

May 27, 2015

Kevin Wade, in official capacity as Treasurer  
Wade for US Senate 14  
137 East Third Street  
New Castle, DE 19720

C00566331  
AF#: 2880

Dear Mr. Wade:

On December 17, 2014, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Wade for US Senate 14 and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)) for filing late or failing to file the 2014 Pre-General Report. By letter dated December 18, 2014, the Commission notified you of the RTB finding and the civil money penalty calculated at the RTB stage to be \$1,090 in accordance with the schedule of penalties at 11 CFR § 111.43. Within forty (40) days of the FEC's RTB finding, you were required to either transmit payment of the calculated civil money penalty or submit a written response challenging either the RTB finding or the calculated civil money penalty.

The FEC did not receive payment of the calculated civil money penalty or a written response within the time permitted. Since that time, the amount of the level of activity has been changed to reflect the actual level of activity of the 2014 Pre-General Report. The FEC made a final determination on May 26, 2015 that Wade for US Senate 14 and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)) and assessed a civil money penalty in the amount of \$1,090 in accordance with 11 CFR § 111.43. The civil money penalty is based on these factors:

Election Sensitivity of Report: Election Sensitive

Level of Activity: \$26,097

Number of Days Late: Not Filed (reports not filed prior to four (4) days before the General Election held on November 4, 2014 are considered not filed for the purposes of calculating the penalty)

Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

**1. If You Choose to Appeal the Final Determination and/or Civil Money Penalty**

If you choose to appeal the final determination, you should submit a written petition, within thirty (30) days of receipt of this letter, to the U.S. District Court for the district in which the committee or you reside, or transact business, requesting that the final determination be modified or set aside. See 52 U.S.C. § 30109(a)(4)(C)(iii) (formerly 2 U.S.C. § 437g(a)(4)(C)(iii)). Your failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of the respondents' right to present such argument in a petition to the district court under 52 U.S.C. § 30109 (formerly 2 U.S.C. § 437g). 11 CFR § 111.38.

## **2. If You Choose Not to Pay the Civil Money Penalty and Not to Appeal**

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996 ("DCIA"), 31 U.S.C. § 3701 *et seq.* If you do not pay this debt within thirty (30) days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within five (5) days of the transfer to Treasury, Treasury will contact you to request payment. Treasury currently charges a fee of 28% of the civil money penalty amount for its collection services. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency ("PCA"). If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.

Actions which may be taken to enforce recovery of a delinquent debt by Treasury may also include: (1) offset of any payments, which the debtor is due, including tax refunds and salary; (2) referral of the debt to agency counsel for litigation; (3) reporting of the debt to a credit bureau; (4) administrative wage garnishment; and (5) reporting of the debt, if discharged, to the IRS as potential taxable income. In addition, under the provisions of DCIA and other statutes applicable to the FEC, the debtor may be subject to the assessment of other statutory interest, penalties, and administrative costs.

In accordance with the DCIA, at your request, the agency will offer you the opportunity to inspect and copy records relating to the debt, the opportunity for a review of the debt, and the opportunity to enter into a written repayment agreement.

## **3. If You Choose to Pay the Civil Money Penalty**

If you should decide to pay the civil money penalty, send the enclosed remittance form, along with your payment, to the address on page 4 within thirty (30) days of receipt of this letter.

## **NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS**

### **4. Partial Payments**

If you make a payment in an amount less than the civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assessed upon making a final determination.

### **5. Settlement Offers**

Any offer to settle or compromise a debt owed to the Commission, including a payment in an amount less than the civil money penalty assessed or any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order, will be rejected. Acceptance and deposit or cashing of such a restricted payment does not constitute acceptance of the settlement offer. Payments containing restrictive endorsements will be deposited and treated as a partial payment towards the civil money penalty that the Commission assessed upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth in Section 2, above.

The confidentiality provisions at 52 U.S.C. § 30109(a)(12) (formerly 2 U.S.C. § 437g(a)(12)) no longer apply and this matter is now public. Pursuant to 11 CFR §§ 111.42(b) and 111.20(c), the file will be placed on the public record within thirty (30) days from the date of this notification.

If you have any questions regarding the payment of the civil money penalty, please contact Sari Pickerall at Federal Election Commission, 999 E St., NW, Washington, DC 20463, or our toll free number (800) 424-9530 (at the prompt, press 5) or (202) 694-1130.

On behalf of the Commission,

A handwritten signature in black ink, appearing to read "Ann M. Ravel". The signature is fluid and cursive, with a large, stylized "M" and "R".

Ann M. Ravel  
Chair

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**ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 CFR § 111.43, the civil money penalty is \$1,090 for the 2014 Pre-General Report.

This penalty should be paid by check or money order made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission  
PO Box 979058  
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox  
FEC #979058  
1005 Convention Plaza  
Attn: Government Lockbox, SL-MO-C2GL  
St. Louis, MO 63101

The form and payment are due within thirty (30) days of receipt of this letter.

**Payments by Personal Check**

Personal checks will be converted into electronic funds transfers (EFTs). Your account will be electronically debited for the amount on the check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

**PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT**

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FOR: Wade for US Senate 14

FEC ID#: C00566331

REPORT: 2014 Pre-General

AF#: 2880

PAYMENT AMOUNT DUE: \$1,090



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2880

DATE SCANNED 6/9/2015

SCANNER NO. 2

SCAN OPERATOR EL